

## YEAS—18.

Agnew,	Jester,
Atlee,	Kearby,
Boren,	Lewis,
Bowser,	McKinney,
Cranford,	Presler,
Dickson,	Shelburne,
Goss,	Smith,
Greer,	Steele,
Hutchison,	Swayne.

## NAYS—9.

Crowley,	Simpson,
Dean,	Tips,
Douglass,	Woods,
Imboden,	Yoakum.
Lawhon,	

## ABSENT—2.

Baldwin,	McComb.
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## EXCUSED—2.

Browning,	Whitaker.
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## NINETY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, April 28, 1893.

Senate met pursuant to adjournment.

President Pro Tem Kearby in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

## PRESENT—25.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	McKinney,
Boren,	Presler,
Bowser,	Shelburne,
Cranford,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne.
Goss,	Tips,
Greer,	Woods,
Imboden,	Yoakum.
Jester,	

## ABSENT—4.

Crowley,	Lewis,
Hutchison,	McComb.

## EXCUSED—2.

Browning,	Whitaker.
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The Chaplain, Dr. Briggs, being absent, Chaplain of the House Rev. Mr. Pennington prayed as follows:

Almighty God of heaven and earth, Thou in whom we live, move and have our being, and in whom our souls take delight, and from whom all blessings flow, we praise Thee for the repose of the night, by which we feel invigorated for the labors and responsibilities of this day. Grant unto the Senators and Representatives of

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this body that they may be wise and conservative and pass wholesome and just laws to Thy honor and the good of our country, and that will encourage the diversified interests of our State. May the heads of the departments so guide the ship of State that she may be safely moored in the port of prosperity and contentment. Forgive our sins and save us for Christ's sake. Amen.

Pending the reading of the journal of yesterday, on motion of Senator Steele the same was suspended.

On motion of Senator Swayne, Senator Baldwin was excused for non-attendance this week up to to-day.

On motion of Senator Woods, Senator McKinney was excused for non-attendance on last Monday and Tuesday.

On motion of Senator Imboden, Senator Swayne was excused for non-attendance on last Monday.

On motion of Senator Bowser, Engraving Clerk Lynn was excused for non-attendance on last Monday and Tuesday.

Call concluded.

Senator Yoakum called up Senator Dean's motion to reconsider the vote by which the Senate concurred in House amendment to Senate bill No. 19, and moved to table same.

Senator Simpson moved a call of the Senate, which was seconded, the following answering to their names:

## PRESENT—25.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	McKinney,
Boren,	Presler,
Bowser,	Shelburne,
Cranford,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Woods,
Imboden,	Yoakum.
Jester,	

## ABSENT WITHOUT LEAVE—4.

Crowley,	Lewis,
Hutchison,	McComb.

## EXCUSED—2.

Browning,	Whitaker.
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Senator Yoakum moved to excuse the absentees from the morning session.

Excused by the following vote:

## YEAS—18.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,

Boren,	McKinney,
Bowser,	Presler,
Cranford,	Steele,
Dickson,	Swayne,
Douglass,	Woods,
Imboden,	Yoakum.

NAYS—7.

Dean,	Simpson,
Goss,	Smith,
Greer,	Tips.
Shelburne,	

ABSENT—4.

Crowley,	Lewis,
Hutchison,	McComb.

EXCUSED—2.

Browning,	Whitaker.
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The motion to table was then adopted.

Senator Swayne moved to suspend regular business and take up

House bill No. 458, entitled "An act to authorize the county commissioners court of the several counties of this State to issue courthouse and jail and bridge bonds, and to repeal all other laws authorizing the issuance of county courthouse and jail and bridge bonds."

Carried by the following vote:

YEAS—22.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	McKinney,
Bowser,	Presler,
Cranford,	Shelburne,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Woods,
Imboden,	Yoakum.

NAYS—4.

Dean,	Simpson,
Hutchison,	Smith.

ABSENT—3.

Crowley,	McComb.
Lewis,	

EXCUSED—2.

Browning,	Whitaker.
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Bill read second time with committee amendment.

Committee amendment adopted.

By Senator Goss:

Amend section 1 by adding the following:

"(3) For the settlement or compromise of debts existing against the county lawfully made to pay charges fixed by law against the county."

Senator Imboden made the point of order that the amendment was not germane.

Not sustained.

By Senator Lawhon:

Amend the amendment by adding after the word "county" the words "prior to the passage of this act."

Pending further action the following message was received:

HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, April 28, 1893.

Hon. M. M. Craue, President of the Senate:

SIR: I am directed by the House to inform the Senate that the House has adopted the reports of the free conference committees on committee substitute Senate bill No. 191, Senate bill No. 241, House bill No. 91, House bill No. 405 and House bill No. 377, and concurs in Senate amendments to House bill No. 643.

And that the House has adopted the following Senate concurrent resolution

*Resolved by the Senate, the House of Representatives concurring,* That the resolution heretofore adopted setting apart two days in each week, to-wit, Thursday and Friday, for the consideration of bills coming from the other house be and the same is hereby rescinded.

Respectfully,

GEO. W. FINGER,

Chief Clerk House of Representatives.

The Chair gave notice of signing

House bill No. 643, entitled "An act to regulate and restrict the execution of bonds by counties, cities and towns; to prevent funding of floating indebtedness; to prescribe a method by which all questions of irregularity in the execution of bonds shall be determined, to prescribe a rule of evidence in relation thereto, and to define and punish offenses committed in connection with the issuance of such bonds,"

And signed same after its caption had been read.

Senator Agnew moved that the Senate proceed to elect an assistant journal clerk to fill the vacancy caused by the resignation of Mr. Thweatt.

Carried.

Senator Agnew then nominated Committee Clerk Wm. Hodges.

Senator Imboden seconded the nomination of Mr. Hodges.

The Chair appointed Senators Dickson, Smith and Simpson as tellers.

Mr. Hodges, receiving 27 votes, was declared duly and constitutionally elected assistant journal clerk.

President Pro Tem Kearby then administered to Mr. Hodges the following oath:

Do you solemnly swear that you will faithfully perform all the duties

of assistant journal clerk of the Senate of the Twenty-third Legislature and as assistant clerk of the Court of Impeachment, so help you God.

On motion of Senator Jester, the Senate resolved itself into Court of Impeachment to proceed with the case on trial.

#### AFTER COURT—IN SENATE.

Senator Imboden moved to adjourn to 2:30 p. m. to-day.

Adjourned.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment.

President Pro Tem. Kearby in the chair.

Roll called.

No quorum, the following answering to their names.

#### PRESENT—20.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	McKinney,
Bowser,	Shelburne,
Cranford,	Simpson,
Crowley,	Smith,
Dean,	Steele,
Dickson,	Swayne,
Imboden,	Woods.

#### ABSENT—9.

Douglass,	McComb,
Goss,	Presler,
Greer,	Tips,
Hutchison,	Yoakum.
Lewis,	

#### EXCUSED—2.

Browning,	Whitaker.
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Senator Imboden moved a call of the Senate, which was ordered, the following Senators answering to their names:

#### PRESENT—20.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	McKinney,
Boren,	Shelburne,
Bowser,	Simpson,
Cranford,	Smith,
Dean,	Steele,
Dickson,	Swayne,
Imboden,	Tips,
Jester,	Woods.

#### ABSENT WITHOUT LEAVE—9.

Crowley,	Lewis,
Douglass,	McComb,
Goss,	Presler,
Greer,	Yoakum.
Hutchison,	

#### EXCUSED—2.

Browning,	Whitaker.
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Senators Lewis, Presler and Greer were announced.

Senator Simpson moved that the appendix to the journal containing the names of notaries confirmed be corrected so as to show that the following were confirmed, to-wit:

Grayson county—A. L. De Arman, Denison.

Fayette county—Otto Schuedde-magen, Carmine; Thomas Hruska, Fayetteville; W. S. Holman, La-Grange; George L. Siebrecht, F. G. Seydler.

Colorado County—C. J. G. Leese-man and Willie B. Towell, Columbus.

Blanco county—J. W. Baines, Blanco.

Burleson county—T. F. Gilley, Cald-well.

Tarrant county—Luther I. Boaz, Fort Worth.

Rains county—E. P. Kearby, Em-ory.

Dallas county—E. E. Luesley, Dal-las.

Marion county—W. A. Walker, Jef-ferson.

Brazoria county—John W. Hanks.

And that Jas. P. Lynch, Harrison county, and F. J. Pendergass, Fayette county, were not confirmed.

Carried.

Senator Swayne called up

House bill No. 458, entitled "An act to authorize the county commissioners court of the several counties of this State to issue courthouse and jail and bridge bonds, and to repeal all other laws authorizing the issuance of county courthouse and jail and bridge bonds."

Action being on the amendment of Senator Lawhon to Senator Goss' amendment, and moved to table both the amendment and the amendment to the amendment.

Senator Agnew moved that the Senate resolve itself into a Court of Im-peachment.

Lost.

Senator Dean moved to postpone further consideration till the session after court.

Carried.

(Senators Hutchison, Goss, Douglass and Crowley were announced.)

Senator Swayne moved to recon-sider the vote by which consideration of the bill was postponed.

Reconsidered.

The motion to postpone was then lost.

Senator Swayne's motion was also lost.

Senator Lewis moved that the Sen-

ate resolve itself into Court of Impeachment to proceed with the case on trial.

Carried.

Senator Swayne moved to reconsider the vote by which the Senate resolved itself into court.

Senator Jester moved to table the motion to reconsider,

Tabled.

#### AFTER COURT—IN SENATE.

Senator Dean called up his resolution, to-wit:

Amend rule 12 (court rule), page 13, of the rules of procedure and practice to govern in the trial of W. L. McGaughey so that the same shall hereafter read as follows:

"All demurrers, exceptions, etc., shall first be heard and disposed of, and it shall require a two-thirds vote of the members of the court present to overrule the same."

By Senator Yoakum:

Amend by striking out the word "overrule" and insert in lieu thereof the word "sustain."

Lost by the following vote:

YEAS—3.

Baldwin, Yoakum.  
Dickson,

NAYS—24.

Agnew, Kearby,  
Atlee, Lawhon,  
Boren, Lewis,  
Bowser, McKinney,  
Cranford, Presler,  
Crowley, Shelburne,  
Dean, Simpson,  
Douglass, Smith,  
Goss, Steele,  
Hutchison, Swayne,  
Imboden, Tips,  
Jester, Woods.

ABSENT—2.

Greer, McComb.

EXCUSED—2.

Browning, Whitaker.

Pending further action,  
Senator Lawhon moved to adjourn to 10 a. m. to-morrow.

Lost by the following vote:

YEAS—7.

Cranford, Lewis,  
Crowley, Presler,  
Kearby, Swayne,  
Lawhon,

NAYS—20.

Agnew, Imboden,  
Atlee, Jester,  
Baldwin, McKinney,  
Boren, Shelburne,  
Bowser, Simpson,  
Dean, Smith,

Dickson, Steele,  
Douglass, Tips,  
Goss, Woods,  
Hutchison, Yoakum.

ABSENT—2.

Greer, McComb.

EXCUSED—2.

Browning, Whitaker.

Senator Imboden moved to adjourn to 8:15 p. m. to-day.

Senator Steele moved to adjourn to 9:30 a. m. to-morrow.

Lost.

Senator Lewis moved to adjourn to 10 a. m. to-morrow.

Lost by the following vote:

YEAS—10.

Crowley, Lewis,  
Dean, Presler,  
Jester, Simpson,  
Kearby, Steele,  
Lawhon, Swayne.

NAYS—17.

Agnew, Hutchison,  
Atlee, Imboden,  
Baldwin, McKinney,  
Boren, Shelburne,  
Bowser, Smith,  
Cranford, Tips,  
Dickson, Woods,  
Douglass, Yoakum,  
Goss,

ABSENT—2.

Greer, McComb.

EXCUSED—2.

Browning, Whitaker.

Senator Jester moved to adjourn to 9:40 a. m. to-morrow.

Lost.

Senator Imboden's motion to adjourn to 8:15 p. m. was lost by the following vote:

YEAS—7.

Agnew, Jester,  
Baldwin, Presler,  
Cranford, Swayne,  
Imboden,

NAYS—20.

Atlee, Lawhon,  
Boren, Lewis,  
Bowser, McKinney,  
Crowley, Shelburne,  
Dean, Simpson,  
Dickson, Smith,  
Douglass, Steele,  
Goss, Tips,  
Hutchison, Woods,  
Kearby, Yoakum.

ABSENT—2.

Greer, McComb.

EXCUSED—2.

Browning, Whitaker.



Senator Douglass moved to table the resolution (Dean's).

Tabled by the following vote:

YEAS—15.

Agnew,	Imboden,
Baldwin,	Jester,
Boren,	McKinney,
Bowser,	Shelburne,
Dickson,	Smith,
Douglass,	Tips,
Goss,	Yoakum.
Hutchison,	

NAYS—12.

Atlee,	Lewis,
Cranford,	Presler,
Crowley,	Simpson,
Dean,	Steele,
Kearby,	Swayne,
Lawhon,	Woods.

ABSENT—2.

Greer,	McComb.
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EXCUSED—2.

Browning,	Whitaker.
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Senator Goss moved to adjourn to 9.30 a. m. to-morrow.

Senator Lewis moved to adjourn to 10 a. m. to-morrow.

The vote occurring on the longest time first, the Senate adjourned to 10 a. m. to-morrow.

#### NINETY-SECOND DAY.

SENATE CHAMBER,

AUSTIN, TEXAS, April 29, 1893.

Senate met pursuant to adjournment.

President Pro Tem. Kearby in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—26.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McKinney,
Bowser,	Presler,
Cranford,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Greer,	Swayne,
Hutchison,	Tips,
Imboden,	Woods,
Jester,	Yoakum.

ABSENT—3.

Crowley,	McComb.
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Goss,

EXCUSED—2.

Browning,	Whitaker.
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The chaplain, Dr. Briggs, being absent, Rev. Dr. Wright prayed as follows:

Almighty and everlasting God, our fathers trusted in Thee, our fathers

trusted in Thee and were not confounded. Grant that the covenant keeping God may rest upon their children unto the latest generation. Give to these, Thy servants, guidance in all the delicate and difficult duties before them. May the spirit of the Lord rest upon them; the spirit of wisdom and understanding the spirit of counsel and right, the spirit of knowledge and the fear of the Lord. May the laws be enacted and executed and interpreted in Thy fear, to the end that the foundation of intelligence and good works and true piety may be laid deep and strong in our State. Grant to these, Thy servants, forgiveness for their sins, strength for duty and the reward of the faithful here and hereafter. All of which we ask for Jesus sake. Amen.

Pending the reading of the journal of yesterday,

On motion of Senator Swayne the same was suspended.

On motion of Senator Boren Senator McComb was excused for non-attendance this week on important business.

On motion of Senator Agnew Senator Goss was excused to-day on important business.

On motion of Senator Steele Senator Crowley was excused for to-day on account of sickness.

Call concluded.

The Chair gave notice of signing

House bill No. 405, entitled "An act to amend articles 4742, 4743, 4743a and 4744 of the Revised Civil Statutes of the State of Texas, and to repeal articles 4761, 4762, 4763, 4764, 4765 and 4766 of the Revised Civil Statutes of the State of Texas, and to repeal all laws in conflict herewith, and to provide penalties for violation of this act," and signed same after its caption had been read.

Senator Jester moved to reconsider the vote by which Senator Dean's resolution amending rule 12 of the Constitution was tabled on yesterday.

Reconsidered by the following vote:

YEAS—14.

Agnew,	Kearby,
Atlee,	McKinney,
Boren,	Presler,
Cranford,	Simpson,
Dean,	Steele,
Douglass,	Swayne,
Jester,	Woods.

NAYS—11.

Baldwin,	Lawhon,
Bowser,	Shelburne,
Dickson,	Smith,
Greer,	Tips,
Hutchison,	Yoakum.
Imboden,	